

# HOUSE BILL 4

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(PRE-FILED)

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By: **Delegate Conway**

Requested: July 13, 2009

Introduced and read first time: January 13, 2010

Assigned to: Ways and Means

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## A BILL ENTITLED

1 AN ACT concerning

2 **Election Law – United States Senate – Special Election to Fill Vacancy**

3 FOR the purpose of altering the process for filling a vacancy in the office of United  
4 States Senator; repealing the authority of the Governor to make an  
5 appointment to fill a vacancy in the office of United States Senator under  
6 certain circumstances; requiring the Governor to issue a proclamation to call for  
7 a special primary election and special general election to fill a vacancy in the  
8 office of United States Senator under certain circumstances; specifying the time  
9 when a special election to fill a vacancy in the office of United States Senator  
10 shall be held; authorizing the Governor to appoint an individual to fill a vacancy  
11 in the office of United States Senator temporarily under certain circumstances;  
12 and generally relating to filling a vacancy in the office of United States Senator.

13 BY repealing and reenacting, with amendments,

14 Article – Election Law  
15 Section 8–401 and 8–602  
16 Annotated Code of Maryland  
17 (2003 Volume and 2009 Supplement)

18 BY repealing and reenacting, without amendments,

19 Article – Election Law  
20 Section 8–601  
21 Annotated Code of Maryland  
22 (2003 Volume and 2009 Supplement)

23 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
24 MARYLAND, That the Laws of Maryland read as follows:

25 **Article – Election Law**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 8-401.

2 (a) A special primary election and a special general election may be held at a  
3 time other than the date of a regular primary election and a regular general election:

4 (1) to fill a vacancy in the office of Representative in Congress; [or]

5 **(2) TO FILL A VACANCY IN THE OFFICE OF UNITED STATES**  
6 **SENATOR; OR**

7 **[(2)] (3)** to fill a vacancy in the county council if the charter of that  
8 county provides for special elections.

9 (b) (1) Special elections to fill a vacancy in the office of Representative in  
10 Congress shall be held at the time specified in Subtitle 7 of this title.

11 **(2) SPECIAL ELECTIONS TO FILL A VACANCY IN THE OFFICE OF**  
12 **UNITED STATES SENATOR SHALL BE HELD AT THE TIME SPECIFIED IN**  
13 **SUBTITLE 6 OF THIS TITLE.**

14 **[(2)] (3)** Special elections to fill vacancies in a county council shall be  
15 held as provided in the county charter.

16 **[(c)** An election to fill a vacancy in the office of United States Senator shall be  
17 held concurrently with a regular election as provided in Subtitle 6 of this title.]

18 8-601.

19 Except for a special election to fill a vacancy, an election for the office of United  
20 States Senator shall be held:

21 (1) in 1998 and every sixth year thereafter; and

22 (2) in 2000 and every sixth year thereafter.

23 8-602.

24 (a) (1) **[If] SUBJECT TO PARAGRAPHS (2) AND (3) OF THIS**  
25 **SUBSECTION, IF** there is a vacancy in the office of United States Senator, the  
26 Governor shall [appoint an eligible individual to fill the vacancy.

27 (2) Except as provided in paragraph (3) of this subsection, the  
28 appointed individual shall serve until a successor is elected pursuant to subsection (b)  
29 of this section to fill the remainder of the term.

1           (3) The appointed individual shall serve for the remainder of the term  
2 if the vacancy occurs after the date that is 21 days before the deadline for filing  
3 certificates of candidacy for the election that is held in the fourth year of the term] BY  
4 PROCLAMATION CALL:

5                   (I) A SPECIAL PRIMARY ELECTION TO BE HELD ON A DATE  
6 THAT IS NOT LESS THAN 60 BUT NOT MORE THAN 90 DAYS AFTER THE DATE THE  
7 VACANCY OCCURS; AND

8                   (II) A SPECIAL GENERAL ELECTION TO BE HELD ON A DATE  
9 THAT IS NOT LESS THAN 60 BUT NOT MORE THAN 90 DAYS AFTER THE DATE OF  
10 THE SPECIAL PRIMARY ELECTION.

11           (2) IF A REGULARLY SCHEDULED ELECTION WILL BE HELD  
12 DURING THE PERIOD IN WHICH A SPECIAL ELECTION IS REQUIRED TO BE HELD  
13 UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE GOVERNOR SHALL BY  
14 PROCLAMATION CALL THE SPECIAL ELECTION TO BE HELD ON THE DATE OF  
15 THE REGULARLY SCHEDULED ELECTION.

16           (3) IF THE VACANCY OCCURS ON A DATE THAT IS LESS THAN 60  
17 DAYS BEFORE OR IS ON OR AFTER THE DATE OF THE PRIMARY ELECTION IN THE  
18 YEAR IN WHICH A CANDIDATE TO FILL THE OFFICE IS REGULARLY ELECTED,  
19 THE GOVERNOR MAY NOT CALL A SPECIAL ELECTION.

20           (b) (1) [If the vacancy occurs before the date that is 21 days before the  
21 deadline for filing certificates of candidacy for the next succeeding regular statewide  
22 election, the Governor shall issue a proclamation immediately after the occurrence of  
23 the vacancy declaring that a special primary election and a special general election  
24 shall be held at the same time as the next regular statewide primary election and  
25 regular statewide general election] IF THERE IS A VACANCY IN THE OFFICE OF  
26 UNITED STATES SENATOR, THE GOVERNOR MAY, AT LEAST 5 BUT NOT LATER  
27 THAN 30 DAYS AFTER THE DATE OF THE VACANCY, APPOINT A QUALIFIED  
28 INDIVIDUAL TO FILL THE VACANCY TEMPORARILY UNTIL THE RESULTS OF ANY  
29 SPECIAL ELECTION CALLED TO FILL THE VACANCY ARE CERTIFIED.

30           (2) IF THE GOVERNOR DOES NOT BY PROCLAMATION CALL A  
31 SPECIAL ELECTION IN ACCORDANCE WITH SUBSECTION (A)(3) OF THIS SECTION,  
32 AN INDIVIDUAL APPOINTED BY THE GOVERNOR TO FILL THE VACANCY IN THE  
33 OFFICE OF UNITED STATES SENATOR SHALL SERVE TEMPORARILY UNTIL THE  
34 RESULTS OF THE NEXT GENERAL ELECTION ARE CERTIFIED.

35           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
36 October 1, 2010.